

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
3 NORTHERN DIVISION

4 SHAWN MACKEY

PLAINTIFF

5 V.

CIVIL ACTION NO. 3:23-CV-233-DPJ-ASH

6 JOHN PIGOTT, ET AL.

7 DEFENDANTS

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9
10 ORAL DEPOSITION OF LUKE MONTGOMERY
11
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13 Taken remotely via Zoom Videoconference
14 at the instance of the Plaintiff on Friday,
15 September 27, 2024, beginning at 9:31 a.m.

16
17 (Appearances noted herein)
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19
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1 A. Well, we sensed that there was trouble within
2 the agency. I would say between the agency, particularly,
3 with Andrea Mayfield and the community college presidents.
4 It was just a -- seemed like a contentious relationship,
5 and I was getting feedback from my local president, Jay
6 Allen, that he had some issues with Dr. Mayfield, and --
7 you know, just -- the relationship between Dr. Mayfield
8 and the community college presidents was really bad. And
9 I think that's -- that's a large part of what drove her
10 resignation.

11 Q. So where is Jay Allen a president at?

12 A. Itawamba Community College.

13 Q. So what was the issue between Mayfield and Jay
14 Allen?

15 A. I think Jay Allen -- he felt like she was
16 aggressively -- you know, we're a coordinating board, not
17 a governing board, and I think his concern was she was
18 trying to be -- run more of a governing kind of board, and
19 all of the presidents appreciate the autonomy they have
20 with their local board of trustees to run their colleges.
21 And I feel like he thought she was overstepping her
22 boundaries as executive director of a coordinating agency.

23 Q. So you said y'all are a coordinating board and
24 not a governing board?

25 A. Yes, ma'am.

1 employment.

2 Q. Why did you want someone who would not be
3 seeking the position full-time?

4 A. Well, we were looking for -- we wanted somebody
5 that we didn't think would want the position full time,
6 and also -- let me think through this and make sure I'm --
7 and we knew that Kell had the respect -- somehow -- there
8 was conversations that Kell seemed to have the respect of
9 the -- of the staff, and we thought Kell was the perfect
10 person to really stabilize the agency from -- you know,
11 because the morale was really bad with Andrea. She had
12 let the morale become really bad, and we felt that Kell
13 was the person to get the agency stabilized and get the
14 morale back and make any changes necessary to, again,
15 normalize the agency and bring it back up to speed.

16 Q. Who were the staff members who you testified
17 were considering leaving the agency?

18 A. We had heard that -- let's see, actually in
19 thinking back through this now, Dr. -- I had a
20 conversation with Dr. Allen, if I'm -- I'm pretty sure
21 with Dr. Allen, and he let me know that, hey, you have got
22 problems within the agency. Like I have been saying here,
23 the morale is down and that -- that's basically due to
24 Andrea's, you know, job as executive director, people were
25 looking to move. And he let me know that Kell Smith was

1 had removed a hurdle that had previously prevented Kell
2 from being -- from meeting the minimum requirements for
3 the executive director's position; correct?

4 MS. JOHNSON: Object to the form.

5 A. No, it was removed to basically open it up to
6 more candidates that we thought would be qualified to run
7 the agency. I don't --

8 Q. (By Ms. Ross) The --

9 A. -- I do not think and never have thought you
10 needed a doctorate to run that agency.

11 Q. Okay. But, sir, you have never been called on
12 to approve job descriptions, right, outside of maybe Money
13 Matters?

14 A. No, not that I can recall.

15 Q. And if the job description had remained
16 unchanged, then Kell Smith would not have met the minimum
17 requirements; correct?

18 A. He would not have qualified.

19 Q. Was Kell Smith your guy?

20 MS. JOHNSON: Object to the form.

21 A. What's the question?

22 Q. (By Ms. Ross) Was Kell Smith your guy for the
23 position of executive director?

24 MS. JOHNSON: Object to the form.

25 A. No.

1 Q. Okay. Did anyone ever say during the interviews
2 that Shawn Mackey was a bully?

3 A. I don't remember hearing that.

4 Q. Were you aware of any complaints that Shawn
5 Mackey -- or was there a discussion during the interviews
6 -- well, among board members that Shawn Mackey had
7 harassed any employee of the Mississippi Community College
8 Board?

9 A. I don't remember that. I don't remember hearing
10 that -- during the -- during the interview process, I
11 don't remember hearing that.

12 Q. Did Shawn Mackey come across in the interview
13 process as not being a team player?

14 A. I'm not sure I would describe it that way.

15 Q. How would you describe it?

16 A. I thought he did an okay job with his -- with
17 his interview. I thought he did an okay job with his
18 interview. You know, one thing he touched on a lot was
19 the fact that, you know, he had been part of every
20 department -- you know, worked in every department within
21 the agency, and that -- it was afterwards where we were
22 talking through that and it kind of hit me that that might
23 be a red flag, because, generally, if somebody's, you
24 know, in a certain department doing a good job, they
25 normally stay in a certain department. But working in

1 every department, that's really more of a red flag. That
2 was pointed out after the interview.

3 Q. Were you aware that every job that he got within
4 the agency was a promotion?

5 A. Nobody told me that.

6 Q. And did you have access to Shawn's personnel
7 file at that time?

8 A. I don't know.

9 Q. Now, Shawn -- you told me earlier that the
10 college board was a consolidating board -- was a -- hold
11 on -- you told me that the Mississippi Community College
12 Board is not a governing board over the community
13 colleges; correct?

14 A. It's a coordinating board.

15 Q. A coordinating board. In other words, Shawn
16 Mackey would not be supervising any of these presidents if
17 he came on board as the executive director?

18 A. No, they have their own board. Each college has
19 its own board of trustees that governs it.

20 Q. Okay. So he couldn't -- he couldn't fire them?

21 A. No.

22 Q. And he couldn't take any kind of disciplinary
23 action against them?

24 A. I'm not sure about that.

25 Q. Okay. Well, how could he? Because they

1 Q. What is Haffey's race?

2 A. Dr. Jim Haffey? He's white.

3 Q. And what is Mary Graham's race?

4 A. She's white.

5 Q. Did you ever discuss Mackey with Dianne Watson?

6 A. At what point?

7 Q. At any point during the selection process, sir.

8 A. I'm sure we discussed him. He was one of the
9 interviewees.

10 Q. So did you make any notes to document when you
11 claim you talked to Dr. Ford about Mackey?

12 A. I don't -- I took -- let's see, I don't recall
13 if I wrote anything down, no.

14 Q. So the board concluded that Kell Smith was more
15 qualified than Mackey for the position of executive
16 director based upon the interviews and the feedback from
17 community college presidents and the improvement in morale
18 within the agency?

19 A. Yes, ma'am.

20 Q. Okay. Any other reason, sir?

21 A. I can't think off the top of my head.

22 Q. Was Mackey qualified to serve as the executive
23 director of the MCCB?

24 A. Well, one thing that really made it difficult
25 for him, when you say qualified, I'm not sure -- that's a

1 very loose term. You know, one thing that really was a
2 strike against Shawn was -- you know, he was jockeying for
3 the position immediately when -- before the actual process
4 was -- official process started, he approached John Pigott
5 the chairman, and John told him, look, we're going to have
6 an official process and, you know, we're -- everybody
7 needs to hold on, and, you know, Shawn kept pushing for
8 position. And I had people call me as a reference for
9 him, which I thought was very premature, and basically
10 Shawn just went right against the wish -- the request of
11 our chairman, that, hey, the process has not started yet,
12 everybody just needs to hold on.

13 And, you know, the way I look at that is, if --
14 if you're trying to get hired for a certain position and
15 you're not even hired yet and you are already going
16 against the requests and directives of the board, that's a
17 strike against you.

18 Q. So what did Shawn -- how was that a strike
19 against Shawn, that he made it known that he was having
20 interest in being the executive director?

21 A. He was -- he was basically jockeying for the
22 position and it hasn't even started yet. There was
23 another person in the agency, Rachel DeVaughan, and she
24 did the same -- she came to John Pigott as well, and he
25 told her the same thing, that, look, this -- we're going

1 to have an official process, you don't need to be talking
2 to me because I'm not the person that makes the decision.
3 It's the board -- the board will vote and we will have an
4 official process to go through and -- but they kept trying
5 to make their -- excuse me, Shawn was making his case to
6 John.

7 And John told Rachel the same thing, that you
8 just need to go through the process if you want to receive
9 the executive director position, and she did. She did not
10 receive the position, but she left it at that with John as
11 the chairman.

12 Q. What's her race, sir?

13 A. She's white.

14 Q. So if -- by this time, the board has already met
15 behind closed doors and made Kell Smith the interim
16 executive director; correct?

17 MS. JOHNSON: Object to the form.

18 Q. (By Ms. Ross) By the time that -- by the time
19 Mackey approached John Pigott, the board had met in closed
20 session and named Kell Smith executive director; correct?

21 A. Yes, in executive session, yes.

22 Q. Where Mackey or no other public was invited;
23 correct?

24 A. It was executive session.

25 Q. Okay. Was Mackey invited into the executive

1 I'm entitled to know his position on whether Shawn
2 Mackey was qualified or not.

3 A. One could say he's qualified, but at the end of
4 the day, he was not the best candidate is what the board
5 was thinking.

6 Q. (By Ms. Ross) Okay. And I think you have given
7 me all of the reasons why you said he was not the best
8 candidate?

9 A. I guess so.

10 Q. Remember when we were -- do you remember the
11 discussion about the interviews, the morale in the office
12 and the feedback from the presidents?

13 A. Yes.

14 Q. Did you see -- well, let me call your attention
15 to page 3 -- or Bates-stamp 40 --

16 A. What part are you looking at?

17 Q. Down here, the last paragraph on that page where
18 it says that Shawn Mackey met the qualifications of the
19 job description; do you see that?

20 A. Yes. Let me read through it. Okay.

21 Q. Okay. And if you would read that paragraph,
22 does it make -- does it say anything about feedback from
23 college presidents or morale in the office and Kell's --
24 the fact that Kell had increased the morale in the office?

25 A. It doesn't mention that.